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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Mail Stop RCE, P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/868,974
Filing Date	June 20, 2001
First Named Inventor	Mark L. Brader, et al.
Art Unit	1653
Examiner Name	H. Robinson
Attorney Docket Number	X-11869

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☐ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-0840
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gregory A. Cox	Registration No. (Attorney/Agent)	47,504
Signature	<i>Gregory A. Cox</i>	Date	Sept 20, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Janet Fowler	Date	September 20, 2005
Signature	<i>Janet Fowler</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

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CENTRAL FAX CENTER**SEP 20 2005****CERTIFICATION OF FACSIMILE TRANSMISSION**

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JANET Fowler

Type or print name of person signing certification

Janet Fowler

Signature

September 20, 2005

Date

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Mark L. Brader, et al.)	
Serial No.	: 09/868,974)	
Filed	: June 20, 2001)	Group Art Unit:
)	1653
For	: Shelf-Stable Formulation of)	
	Glucagon-Like Peptide-1)	Examiner:
)	H. Robinson
Docket No.	: X-11869)	

RESPONSE AND AMENDMENT WITH REQUEST FOR CONTINUED
EXAMINATION UNDER 37 C.F.R. § 1.114Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Introductory Comments

Applicants submit an RCE under 37 C.F.R. § 1.114 with a response to the outstanding Final Rejection issued for the above referenced case. Claims 34, 36, 37, 40, 41, 43, 44, and 47 were rejected. Claims 36, 37, and 44 were objected to. Applicants respectfully request that the Examiner consider Applicants' comments and arguments, and enter the following amendment that Applicants believe place the application in condition for allowance. This case is extremely important to Eli Lilly and Company and if the Examiner does not favorably consider Applicants comments and arguments, Applicants request a formal interview with the Examiner under 37 C.F.R. §1.333. Enclosed herewith is a Petition To Revive under 37 C.F.R. § 1.137(b). The petition authorizes the office to charge the necessary fee for a Petition

Serial No. 09/868,974

To Revive, for the RCE, and for extension of time to Deposit Account No. 05-0840 in the name of Eli Lilly and Company. Additionally, Applicants request a personal interview.

Amendment to Claim 34 is presented on page 3 of this paper.

Remarks and Arguments begin on page 5 of this paper.

Summary and Conclusion begins on page 7 of this paper.